

Appl. No. 09/869,476
Atty. Docket No. AA387
Amdt. dated 5/17/2004
Reply to Office Action of 02/20/2004
Customer No. 27752

REMARKS

Claims 17-19 are now pending in the present application. In addition to Claim 1-10, claims 11-16 and 20- 23 have now been canceled. No additional claims fee is believed to be due.

Rejection Under 35 USC 103(a) Over WO 98/04772 in view of WO 97/03172

Claims 17-19 have been rejected under 35 USC 103(a) as being unpatentable over WO 98/04772 (hereinafter "Mooney") in view of WO 97/03172 (hereinafter "Wahl"). Applicants respectfully submit that the Examiner fails to establish a *prima facie* case of obviousness by failing to show some objective teaching in the art to combine the relevant teachings in Mooney with that of Wahl. "The PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Applicants' claims are directed to a method comprising the steps *inter alia* applying the fabric care composition directly onto a fabric; and ironing the fabric. Wahl is directed to compositions for use in the rinse cycle of a laundering operation. One skilled in the art would not be motivated to use a rinse added composition for use in ironing. Therefore, one skilled the art would not be motivated to combine Mooney with Wahl.

Mooney fails to teach or suggest clear compositions.

The Office Action asserts that the disclosure of hydrotropes in Mooney, amongst over dozen optional ingredients, is an implicit teaching of clear compositions. Applicants respectfully disagree for the reasons set forth in the previous response. Moreover, assuming arguendo, Applicants submit that Mooney implicitly TEACHES AWAY from the present invention given the preferred compounds, i.e., the Examples, fail to comprise hydrotropes and thus are not clear compositions.

The Office Action states that determining which hydrotrope works best amounts to simple formulation chemistry, which is well within the abilities of the person of ordinary skill in the art, and use of a hydrotrope is motivated by the teachings of the prior art. See page, paragraph 7 of the Office Action. However, this assertion is in contrast to the cited reference of Wahl, which states

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the suitability of any principal solvent for the formulation of the ... clear fabric softener composition ... is surprisingly selective." See page 15, lines 3-5.

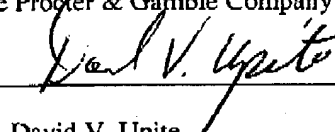
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. 103. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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